

SENATE BILL No. 333

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-32; IC 4-33.

Synopsis: Dockside gaming and pull tabs. Authorizes the department of state revenue to issue annual pull tab licenses to horse racetracks and satellite facilities under the charity gaming laws. Requires a horse racetrack or a satellite facility to donate at least 60% of its pull tab receipts to charity. Prohibits a horse racetrack or a satellite facility from conducting any other charity gaming event. Authorizes dockside gaming. Removes the prohibition on a riverboat owner owning more than a 10% interest in another riverboat. Permits a person to own up to a 100% interest in not more than two riverboat licenses. Provides that a person may not have an ownership interest in more than two riverboat owner's licenses. Specifies that a person is considered to have an ownership interest in a riverboat owner's license if the interest is owned directly or indirectly by the person or by an entity controlled by the person. Requires riverboat admission tickets, if issued, to display the toll free telephone number to obtain information on drug, alcohol, and gambling addictions. Repeals the riverboat cruising requirement and other statutes related to mandatory cruising.

Effective: July 1, 2002.

**Nugent, Lanane, Meeks R, Rogers,
Mrvan**

January 8, 2002, read first time and referred to Committee on Commerce and Consumer Affairs.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 333

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-32-1-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) This article applies only to a
3 qualified organization.

4 (b) This article applies only to:

5 (1) bingo events, charity game nights, door prize events, raffle
6 events, and festivals; ~~and~~

7 (2) the sale of pull tabs, punchboards, and tip boards at bingo
8 events, door prize events, raffle events, charity game nights, and
9 festivals, or on the premises owned or leased by the qualified
10 organization and regularly used for the activities of the qualified
11 organization at any time; **and**

12 **(3) the sale of pull tabs by a qualified organization that is a**
13 **horse racetrack or satellite facility licensed under IC 4-31.**

14 This article does not apply to any other sale of pull tabs, punchboards,
15 and tip boards.

16 SECTION 2. IC 4-32-1-2 IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The purpose of this article is



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to permit a licensed qualified organization:

(1) to conduct bingo events, charity game nights, door prize drawings, and raffles; and

(2) to sell pull tabs, punchboards, and tip boards; as a fund raising activity for lawful purposes of the organization.

(b) This article also permits a licensed qualified organization that is a horse racetrack or satellite facility licensed under IC 4-31 to sell pull tabs as a lawful enterprise of the organization.

SECTION 3. IC 4-32-6-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 18.5. "Pull tab event" means an event at which the sale of pull tabs is conducted by an organization that holds a pull tab license issued under this article.**

SECTION 4. IC 4-32-6-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 20. (a) "Qualified organization" means:

(1) a bona fide religious, educational, senior citizens, veterans, or civic organization operating in Indiana that:

(A) operates without profit to the organization's members;

(B) is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) has been continuously in existence in Indiana for at least five (5) years or is affiliated with a parent organization that has been in existence in Indiana for at least five (5) years; ~~or~~

(2) a bona fide political organization operating in Indiana that produces exempt function income (as defined in Section 527 of the Internal Revenue Code); **or**

(3) a horse racetrack or satellite facility licensed under IC 4-31.

(b) For the purpose of IC 4-32-9-3, a "qualified organization" includes the following:

(1) A hospital licensed under IC 16-21.

(2) A health facility licensed under IC 16-28.

(3) A psychiatric facility licensed under IC 12-25.

(4) An organization defined in subsection ~~(a)~~: **(a)(1) or (a)(2).**

SECTION 5. IC 4-32-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. **(a) Except as provided in subsection (b), a qualified organization may conduct the following activities in accordance with this article:**

(1) A bingo event.

(2) A charity game night.

(3) A raffle event.

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(4) A door prize event.

(5) A festival.

(6) The sale of pull tabs, punchboards, and tip boards.

(b) A qualified organization that is a horse racetrack or satellite facility licensed under IC 4-31 is permitted to sell pull tabs in accordance with this article but may not conduct any other activity described in subsection (a).

SECTION 6. IC 4-32-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) **Except as provided in subsection (e)**, a qualified organization is not required to obtain a license from the department if the value of all prizes awarded at the bingo event, charity game night, raffle event, or door prize event, including prizes from pull tabs, punchboards, and tip boards, does not exceed one thousand dollars (\$1,000) for a single event and not more than three thousand dollars (\$3,000) during a calendar year.

(b) A qualified organization described in subsection (a) that plans to hold a bingo event more than one (1) time a year shall send an annual written notice to the department informing the department of the following:

(1) The estimated frequency of the planned bingo events.

(2) The location or locations where the qualified organization plans to hold the bingo events.

(3) The estimated amount of revenue expected to be generated by each bingo event.

(c) The notice required under subsection (b) must be filed before the earlier of the following:

(1) March 1 of each year.

(2) One (1) week before the qualified organization holds the first bingo event of the year.

(d) A qualified organization described in subsection (a) shall maintain accurate records of all financial transactions of an event conducted under this section. The department may inspect records kept in compliance with this section.

(e) A qualified organization that is a horse racetrack or satellite facility licensed under IC 4-31 is required to obtain a license before conducting any pull tab event.

SECTION 7. IC 4-32-9-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7.5. (a) **The commissioner may issue an annual pull tab license to a qualified organization if:**

(1) the qualified organization is a horse racetrack or satellite facility licensed under IC 4-31;

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(2) the provisions of this section are satisfied; and

(3) the qualified organization:

(A) submits an application; and

(B) pays a fee set by the department under IC 4-32-11.

(b) The commissioner or the commissioner's designee may hold a public hearing to obtain input on the proposed issuance of an annual pull tab license to an applicant that has never held an annual pull tab license under this article.

(c) The first time that a qualified organization applies for an annual pull tab license, the commissioner shall publish notice that the application has been filed. The notification must be in accordance with IC 5-14-1.5-5 and must contain the following:

(1) The name of the qualified organization and the fact that it has applied for an annual pull tab license.

(2) The location where the pull tab events will be held.

(3) The names of the owner and officers of the qualified organization.

(4) A statement that any person can protest the proposed issuance of the annual pull tab license.

(5) A statement that the department shall hold a public hearing if ten (10) written and signed protest letters are received by the department.

(6) The address of the department where correspondence concerning the application may be sent.

(d) If the department receives at least ten (10) protest letters, the department shall hold a public hearing in accordance with IC 5-14-1.5. The public hearing shall be held within one (1) of the six (6) geographic regions designated by the department. The department shall issue a license or deny the application not later than sixty (60) days after the date of the public hearing.

(e) A license issued under this section:

(1) may authorize the qualified organization to conduct pull tab events on more than one (1) occasion during a period of one (1) year;

(2) must state the locations of the permitted pull tab events;

(3) must state the expiration date of the license; and

(4) may be reissued annually upon the submission of an application for reissuance on the form established by the department and upon the licensee's payment of a fee set by the department.

(f) Notwithstanding subsection (e)(4), the commissioner shall hold a public hearing for the reissuance of an annual pull tab

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license if:

(1) an applicant has been cited for a violation of law or a rule of the department; or

(2) the department finds, based upon investigation of at least three (3) written and signed complaints alleging a violation of law or a rule of the department in connection with the pull tab license, that at least one (1) of the alleged violations:

(A) has occurred;

(B) is the type of violation that would allow the department to cite the applicant for a violation of a provision of this article or of a rule of the department; and

(C) has not been corrected after notice has been given by the department.

(g) If the department is required to hold a public hearing on an application for a reissuance of an annual pull tab license, it shall comply with the same procedures required under this section for notice and for conducting the hearing.

(h) The commissioner may deny a license if after a public hearing the commissioner determines that the applicant:

(1) has violated a local ordinance; or

(2) has engaged in fraud, deceit, or misrepresentation.

SECTION 8. IC 4-32-9-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 16.5. (a) **This subsection does not apply to a qualified organization that is a horse racetrack or satellite facility licensed under IC 4-31.** A qualified organization that receives ninety percent (90%) or more of the organization's total gross receipts from any events licensed under this article is required to donate sixty percent (60%) of its gross charitable gaming receipts less prize payout to another qualified organization that is not an affiliate, a parent, or a subsidiary organization of the qualified organization.

(b) **This subsection applies only to a qualified organization that is a horse racetrack or satellite facility licensed under IC 4-31. The qualified organization shall donate at least sixty percent (60%) of its gross pull tab receipts less prize payout to another qualified organization that is not an affiliate, a parent, or a subsidiary organization of the qualified organization. A qualified organization that is a horse racetrack or satellite facility licensed under IC 4-31 may not donate pull tab receipts to another horse racetrack or satellite facility.**

SECTION 9. IC 4-32-9-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 18. (a) **Except as**

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provided in subsection (d), a qualified organization may not conduct more than three (3) allowable events during a calendar week and not more than one (1) allowable event each day.

(b) Except as provided in section 10 of this chapter, allowable events may not be held on more than two (2) consecutive days.

(c) A bona fide civic organization as defined in IC 4-32-6-5 may conduct one (1) additional allowable event during each six (6) months of a calendar year.

(d) This subsection applies only to a qualified organization that is a horse racetrack or satellite facility licensed under IC 4-31. The qualified organization may conduct daily pull tab events.

SECTION 10. IC 4-32-9-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 25. (a) Except as provided in subsection (b) **or (c)**, an operator or a worker may not receive remuneration for:

- (1) preparing for;
- (2) conducting;
- (3) assisting in conducting;
- (4) cleaning up after; or
- (5) taking any other action in connection with;

an allowable event.

(b) A qualified organization that conducts an allowable event may:

- (1) provide meals for the operators and workers during the allowable event; and
- (2) provide recognition dinners and social events for the operators and workers;

if the value of the meals and social events does not constitute a significant inducement to participate in the conduct of the allowable event.

(c) This section does not apply to the sale of pull tabs by a qualified organization that is a horse racetrack or satellite facility licensed under IC 4-31.

SECTION 11. IC 4-33-2-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5.6. "Cruise" means to depart from the dock while **gambling is conducted.**

SECTION 12. IC 4-33-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. "Dock" means the location where ~~an excursion~~ a riverboat moors for the purpose of embarking passengers for and disembarking passengers from ~~a gambling excursion~~ **the riverboat.**

SECTION 13. IC 4-33-2-15.5 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2002]: **Sec. 15.5. "Patron" means an individual who:**

- (1) boards a riverboat; and**
- (2) is not entitled to receive a tax free pass.**

SECTION 14. IC 4-33-2-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 16.5. "Reporting period" means a twenty-four (24) hour increment used by the department to assess taxes under this article, commencing at 6 a.m. on one (1) day and concluding at 5:59 a.m. the following day.**

SECTION 15. IC 4-33-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 17. "Riverboat" means a self-propelled excursion boat located in a county described in IC 4-33-1-1 on which lawful gambling is authorized and licensed under this article that:**

- (1) is located in a county described in IC 4-33-1-1; and**
- (2) complies with IC 4-33-6-6.**

SECTION 16. IC 4-33-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 10. If a riverboat cruises,** the commission shall authorize the route of ~~a the~~ riverboat and the stops, if any, that the riverboat may make **while on a cruise.**

SECTION 17. IC 4-33-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 13. (a) After consulting with the United States Army Corps of Engineers, The commission may do the following:**

- (1) Determine the waterways that are navigable waterways for purposes of this article.**
- (2) determine the navigable waterways that are suitable locations for the operation of riverboats under this article.**

(b) In determining the navigable waterways on which riverboats may operate, be located, the commission shall do the following:

- (1) Obtain any required approvals from the United States Army Corps of Engineers for the operation or docking of riverboats on those waterways.**
- (2) Consider the economic benefit that riverboat gambling provides to Indiana.**
- (3) Seek to ensure that all regions of Indiana share in the economic benefits of riverboat gambling.**
- (4) Considering IC 14-26-2-6, IC 14-26-2-7, and IC 14-28-1, conduct a feasibility study concerning:**

(A) the environmental impact of the navigation and docking of

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riverboats upon Patoka Lake; and

(B) the impact of the navigation and docking of riverboats upon the scenic beauty of Patoka Lake.

SECTION 18. IC 4-33-4-21.2, AS AMENDED BY P.L.215-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 21.2. (a) The Indiana gaming commission shall require a licensed owner to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 in the following locations:

(1) On each admission ticket to a riverboat ~~gambling excursion~~ **if tickets are issued.**

(2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.

(b) The toll free telephone line described in IC 4-33-12-6 must be:

(1) maintained by the division of mental health and addiction under IC 12-23-1-6; and

(2) funded by the addiction services fund established by IC 12-23-2-2.

(c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

SECTION 19. IC 4-33-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The commission may issue to a person a license to own ~~one (1)~~ **a** riverboat subject to the numerical and geographical limitation of owner's licenses under this section, **section 3.5 of this chapter**, and IC 4-33-4-17. However, not more than eleven (11) owner's licenses may be in effect at any time. Except as provided in subsection (b), those eleven (11) licenses are as follows:

(1) Two (2) licenses for a riverboat that operates from ~~or is~~ **docked in** the largest city located in the counties described under IC 4-33-1-1(1).

(2) One (1) license for a riverboat that operates from ~~or is~~ **docked in** the second largest city located in the counties described under IC 4-33-1-1(1).

(3) One (1) license for a riverboat that operates from ~~or is~~ **docked in** the third largest city located in the counties described under IC 4-33-1-1(1).

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that operate upon ~~or dock in~~ **dock in** the Ohio River ~~from~~ **at** counties described under

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IC 4-33-1-1(2). The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from **or docking in** a county described in IC 4-33-1-1(2).

(6) One (1) license for a riverboat that operates upon Patoka Lake from a county described under IC 4-33-1-1(3).

(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2) elections under section 20 of this chapter, and the voters of the city do not vote in favor of permitting riverboat gambling at either of those elections, the license assigned to that city under subsection (a)(2) or (a)(3) may be issued to any city that:

(1) does not already have a riverboat operating ~~from in~~ the city; and

(2) is located in a county described in IC 4-33-1-1(1).

SECTION 20. IC 4-33-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. The commission may not issue an owner's license under this chapter to a person if:

(1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;

(2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;

(3) the person is a member of the commission;

(4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);

(5) the person employs an individual who:

(A) is described in subdivision (1), (2), or (3); and

(B) participates in the management or operation of gambling operations authorized under this article;

(6) the person owns an ownership interest of more than ~~ten percent (10%) in more than one (1) other person holding an owner's license issued under the total amount of ownership interest permitted under section 3.5 of this chapter;~~ or

(7) a license issued to the person:

(A) under this article; or

(B) to own or operate gambling facilities in another jurisdiction;

has been revoked.

SECTION 21. IC 4-33-6-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 3.5. (a) For purposes of this section, a person is considered to have an ownership interest in a riverboat owner's**

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1 license if the interest is owned directly or indirectly by the person
2 or by an entity controlled by the person.

3 (b) A person may have up to a one hundred percent (100%)
4 ownership interest in not more than two (2) riverboat licenses
5 issued under this chapter.

6 (c) A person may not have an ownership interest in more than
7 two (2) riverboat owner's licenses issued under this chapter.

8 (d) This section may not be construed to increase the maximum
9 number of licenses permitted under section 1 of this chapter or the
10 number of riverboats that may be owned and operated under a
11 license under section 10 of this chapter.

12 SECTION 22. IC 4-33-6-4 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) In determining
14 whether to grant an owner's license to an applicant, the commission
15 shall consider the following:

16 (1) The character, reputation, experience, and financial integrity
17 of the following:

18 (A) The applicant.

19 (B) A person that:

20 (i) directly or indirectly controls the applicant; or

21 (ii) is directly or indirectly controlled by the applicant or by
22 a person that directly or indirectly controls the applicant.

23 (2) The facilities or proposed facilities for the conduct of
24 riverboat gambling.

25 (3) The highest prospective total revenue to be collected by the
26 state from the conduct of riverboat gambling.

27 (4) The good faith affirmative action plan of each applicant to
28 recruit, train, and upgrade minorities in all employment
29 classifications.

30 (5) The financial ability of the applicant to purchase and maintain
31 adequate liability and casualty insurance.

32 (6) If the applicant has adequate capitalization to provide and
33 maintain a riverboat for the duration of the license.

34 (7) The extent to which the applicant exceeds or meets other
35 standards adopted by the commission.

36 (b) In an application for an owner's license, the applicant must
37 submit to the commission a proposed design of the riverboat and the
38 dock. ~~The commission may not grant a license to an applicant if the~~
39 ~~commission determines that it will be difficult or unlikely for the~~
40 ~~riverboat to depart from the dock.~~

41 SECTION 23. IC 4-33-6-5 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. In an application for



an owner's license, the applicant must state the dock at which the riverboat is based and the navigable waterway on which the riverboat will operate.

SECTION 24. IC 4-33-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) A licensed owner must post a bond with the commission at least sixty (60) days before the commencement of ~~regular gambling on the riverboat. excursions.~~

(b) The bond shall be furnished in:

(1) cash or negotiable securities;

(2) a surety bond:

(A) with a surety company approved by the commission; and

(B) guaranteed by a satisfactory guarantor; or

(3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the licensee.

(d) The bond:

(1) is subject to the approval of the commission;

(2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat operation; and

(3) must be payable to the commission as obligee for use in payment of the licensed owner's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensed owner's bond is insufficient, the licensed owner shall upon written demand of the commission file a new bond.

(f) The commission may require a licensed owner to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the owner's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

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(h) A bond is released on the condition that the licensed owner remains at the site for which the owner's license is granted for the lesser of:

(1) five (5) years; or

(2) the date the commission grants a license to another licensed owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

SECTION 25. IC 4-33-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and equipment for each license.

(b) **An owner's license issued under this chapter permits the holder to:**

(1) conduct gambling games authorized under this article while the riverboat is cruising or docked; and

(2) allow the continuous ingress and egress of passengers for purposes of gambling.

(c) An owner's license issued under this chapter must specify the place where the riverboat must operate and dock. However, the commission may permit the riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed one (1) year after the owner's license is issued.

~~(c)~~ (d) An owner's initial license expires five (5) years after the effective date of the license.

(e) An owner's license issued under this chapter does not permit the holder to conduct gambling games on a barge.

SECTION 26. IC 4-33-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. The commission may revoke an owner's license if:

(1) the licensee begins regular ~~riverboat excursions~~ **operations**



more than twelve (12) months after receiving the commission's approval of the application for the license; and

(2) the commission determines that the revocation of the license is in the best interests of Indiana.

SECTION 27. IC 4-33-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) Except as provided in subsection (b), a riverboat ~~excursions~~ **cruise** may not exceed four (4) hours for a round trip.

(b) Subsection (a) does not apply to an extended cruise that is expressly approved by the commission.

SECTION 28. IC 4-33-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) This section applies only to a riverboat that operates from a county that is contiguous to the Ohio River.

(b) A ~~gambling excursion~~ **cruise** is permitted only when the navigable waterway for which the riverboat is licensed is navigable, as determined by the commission in consultation with the United States Army Corps of Engineers.

SECTION 29. IC 4-33-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. An action to prosecute a crime occurring during a gambling ~~excursion on a riverboat~~ shall be tried in the county of the dock where the riverboat is ~~based~~ **located**.

SECTION 30. IC 4-33-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A tax is imposed on admissions to ~~gambling excursions a riverboat~~ authorized under this article at a rate of three dollars (\$3) for each ~~person admitted to the gambling excursion~~ **patron who is on board at the time a passenger count is recorded**.

(b) **Passenger counts must be recorded one (1) hour after the start of each reporting period and once every two (2) hours thereafter under procedures approved by the commission.**

(c) **If the riverboat's schedule as approved by the commission does not provide for the riverboat to be open to the public at the start of the reporting period, passenger counts must be recorded one (1) hour after the riverboat begins admitting patrons during a reporting period and once every two (2) hours thereafter under procedures approved by the commission.**

(d) This admission tax is imposed upon the licensed owner conducting the gambling ~~excursion~~ **operation**.

SECTION 31. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002]: IC 4-33-2-8; IC 4-33-9-2; IC 4-33-12-2.

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